

Remarks:

Claims 16-30 are now pending in this application. Applicants have canceled claims 1-15 and presented new claims 16-30 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejected claims 1-15 under 35 U.S.C. § 102(b) as being unpatentable over EP 0 947 296.

EP 0 947 296 does not disclose the present invention as recited in newly presented independent claim 16 since, among other things, EP 0 947 296 does not disclose an industrial robot that includes a balancing arrangement that includes a telescopic unit including a guide tube and a pull rod slidably arranged about the guide tube. The configuration of the present invention recited in claim 16 permits the pull rod to be guided along its entire length, thereby improving the guiding of the pull rod and reducing the risk of obliquity of the pull rod, also known as the drawer effect. It follows that EP 0 947 296 does not disclose the present invention as recited in claims 17-25, which depend from claim 16, or method claims 26-30.

In view of the above, EP 0 947 296 does not disclose all elements of the present invention as recited in newly presented claims 16-30. Since EP 0 947 296 does not disclose all elements of the present invention as recited in newly presented claims 16-30, the present invention, as recited in claims 16-30, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference

disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

In view of the above, the reference relied upon in the office action does not disclose patentable features of the present invention. Therefore, the reference relied upon in the office action does not anticipate the present invention. Accordingly, Applicant requests withdrawal of the rejection based upon the cited reference.

In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would facilitate the prosecution of this application, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: 6-1-04

A handwritten signature in cursive script, appearing to read "Eric Franklin", written over a horizontal line.

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